

Senate File 2208

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AN ACT

RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF
AGRICULTURE AND LAND STEWARDSHIP, AND MAKING PENALTIES
APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

GENERAL AUTHORITY OF THE DEPARTMENT OF AGRICULTURE AND LAND
STEWARDSHIP

Section 1. Section 7A.4, subsection 2, Code 2003, is
amended by striking the subsection.

Sec. 2. Section 159.11, Code Supplement 2003, is repealed.

Sec. 3. Section 159.13, Code 2003, is repealed.

DIVISION II

AGRICULTURAL ENERGY MANAGEMENT FUND

Sec. 4. Section 159.6, subsection 10, Code Supplement
2003, is amended to read as follows:

10. Soil and water conservation as set forth in chapters
161A, ~~161B~~, 161C, 161E, and 161F.

Sec. 5. Section 455E.11, subsection 2, paragraph e,
subparagraph (7), Code Supplement 2003, is amended by striking
the subparagraph.

Sec. 6. Chapter 161B, Code 2003, is repealed.

DIVISION III

SECRETARY'S DESIGNEE AS A MEMBER

OF THE ECONOMIC DEVELOPMENT BOARD

Sec. 7. Section 15.103, unnumbered paragraph 1, Code 2003,
is amended to read as follows:

The Iowa economic development board is created, consisting
of eleven voting members appointed by the governor and seven
ex officio nonvoting members. The ex officio nonvoting
members are four legislative members; one president, or the
president's designee, of the University of Northern Iowa, the
University of Iowa, or Iowa State University of science and
technology designated by the state board of regents on a
rotating basis; and one president, or the president's
designee, of a private college or university appointed by the
Iowa association of independent colleges and universities; and
one superintendent, or the superintendent's designee, of a
community college, appointed by the Iowa association of
community college presidents. The legislative members are two
state senators, one appointed by the president of the senate,
after consultation with the majority leader of the senate, and
one appointed by the minority leader of the senate, after
consultation with the president of the senate, from their
respective parties; and two state representatives, one
appointed by the speaker and one appointed by the minority
leader of the house of representatives from their respective
parties. Not more than six of the voting members shall be
from the same political party. The secretary of agriculture
~~or the secretary's designee~~ shall be one of the voting
members. The governor shall appoint the remaining ten voting
members of the board for a term of four years beginning and
ending as provided by section 69.19, subject to confirmation
by the senate, and the governor's appointments shall include
persons knowledgeable of the various elements of the
department's responsibilities.

DIVISION IV

COMMERCIAL FEED

Sec. 8. Section 198.3, Code 2003, is amended by adding the
following new subsection:

NEW SUBSECTION. 0A. "Advertise" means to present a
commercial message in any medium, including but not limited to
print, radio, television, sign, display, label, tag, or
articulation.

Sec. 9. Section 198.3, subsection 3, Code 2003, is amended
to read as follows:

3. "Commercial feed" means all materials or a combination
of materials which are distributed or intended for
distribution for use as feed or for mixing in feed, unless
such materials are specifically exempted. ~~Unmixed~~ Except as
otherwise provided in this chapter, unmixed whole seeds and

3 6 physically altered entire unmixed seeds, when such whole or
3 7 physically altered seeds are not chemically changed or are not
3 8 adulterated within the meaning of section 198.7, subsection 1,
3 9 are exempt. The secretary by rule may exempt from this
3 10 definition, or from specific provisions of this chapter,
3 11 commodities such as hay, straw, stover, silage, cobs, husks,
3 12 hulls and individual chemical compounds or substances when
3 13 such commodities, compounds or substances are not intermixed
3 14 or mixed with other materials, and are not adulterated within
3 15 the meaning of section 198.7, subsection 1.

3 16 Sec. 10. Section 198.10, subsection 1, Code 2003, is
3 17 amended to read as follows:

3 18 1. The secretary may adopt rules for commercial feeds and
3 19 pet foods as specifically authorized in this chapter and other
3 20 reasonable rules necessary in order to carry out the purpose
3 21 and intent of this chapter or to secure the efficient
3 22 enforcement of this chapter.

3 23 1A. The secretary may adopt rules to do all of the
3 24 following:

3 25 a. Regulate the movement of cottonseed into this state or
3 26 within this state, even if the cottonseed would otherwise be
3 27 exempt as whole seed under section 198.3. The secretary may
3 28 adopt rules prescribing standards for cottonseed consistent
3 29 with regulations prescribing the quality and uses of
3 30 cottonseed as promulgated by the United States food and drug
3 31 administration.

3 32 b. Regulating the advertisement of commercial feed,
3 33 including but not limited to labeling commercial feed as
3 34 specifically provided in this chapter.

3 35 1B. In the interest of uniformity the secretary shall
4 1 adopt any rule based on regulations promulgated under the
4 2 authority of the federal Food, Drug, and Cosmetic Act, 21
4 3 U.S.C. } 301 et seq., provided the secretary has the authority
4 4 under this chapter to adopt the rule. However, the secretary
4 5 is not required to adopt such a rule, if the secretary
4 6 determines that the rule would be inconsistent with this
4 7 chapter or not appropriate to conditions which exist in this
4 8 state.

4 9 DIVISION V
4 10 ACCOUNTABLE GOVERNMENT ACT

4 11 Sec. 11. Section 8E.103, subsection 1, Code 2003, is
4 12 amended to read as follows:

4 13 1. "Agency" means a principal central department
4 14 enumerated in section 7E.5. ~~For~~ However, for purposes of this
4 15 chapter, ~~each~~ all of the following apply:

4 16 a. The department of agriculture and land stewardship is
4 17 not considered an agency.

4 18 b. Each division within the department of commerce shall
4 19 be is considered an agency, and each bureau within a division
4 20 of the department of commerce shall be is considered a
4 21 division, as otherwise provided in chapter 7E.

4 22 DIVISION VI
4 23 MILK REGULATION

4 24 Sec. 12. Section 192.101A, unnumbered paragraph 1, Code
4 25 Supplement 2003, is amended to read as follows:

4 26 As used in this chapter, all terms shall have the same
4 27 meaning as defined in the "Grade 'A' Pasteurized Milk
4 28 ~~Ordinance, 2001 Revision~~ Ordinance" as provided in section
4 29 192.102. However, notwithstanding the ordinance, the
4 30 following definitions shall apply:

4 31 Sec. 13. Section 192.102, Code Supplement 2003, is amended
4 32 to read as follows:

4 33 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

4 34 The department shall adopt, by rule, the "Grade 'A'
4 35 Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision", including a
5 1 subsequent revision of the ordinance. If the ordinance
5 2 specifies that compliance with a provision of the ordinance's
5 3 appendices is mandatory, the department shall also adopt that
5 4 provision. The department shall not amend the ordinance,
5 5 unless the department explains each amendment and reasons for
5 6 the amendment in the Iowa administrative bulletin when the
5 7 rules are required to be published pursuant to chapter 17A.
5 8 The department shall administer this chapter consistent with
5 9 the provisions of the ordinance.

5 10 Sec. 14. Section 192.110, subsection 1, Code Supplement
5 11 2003, is amended to read as follows:

5 12 1. The person has a pasteurized milk and milk products
5 13 sanitation compliance rating of ninety percent or more as
5 14 calculated according to the rating system as contained in the
5 15 federal public health service publications, "Procedures
5 16 Governing the Cooperative State=Public Health Service/Food and

5 17 Drug Administration Program for Certification of Interstate
5 18 Milk Shippers ~~2001~~ 2003" and "Method of Making Sanitation
5 19 Ratings of Milk Supplies, ~~2001~~ 2003 Revision". The applicable
5 20 provisions of these publications are incorporated into this
5 21 section by this reference. A copy of each publication shall
5 22 be on file with the department or in the office of the person
5 23 subject to an inspection contract as provided in section
5 24 192.108.

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5 28 JEFFREY M. LAMBERTI
5 29 President of the Senate
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5 33 CHRISTOPHER C. RANTS
5 34 Speaker of the House
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6 1 I hereby certify that this bill originated in the Senate and
6 2 is known as Senate File 2208, Eightieth General Assembly.
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6 6 MICHAEL E. MARSHALL
6 7 Secretary of the Senate
6 8 Approved _____, 2004
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6 12 THOMAS J. VILSACK
6 13 Governor